

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DUSTON MILLER,
Plaintiff,

v.

NEVADA DEPT. OF CORRECTIONS, et
al.,
Defendants.

Case No.: 2:23-cv-00764-JAD-DJA

ORDER

On May 15, 2023, pro se plaintiff Duston Miller, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). Plaintiff's application to proceed *in forma pauperis* is incomplete because Plaintiff did not include page 3 of this Court's form application, a completed financial certificate, and an inmate trust fund account statement for the previous six-month period. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by July 17, 2023**.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**

1 **statement for the previous six-month period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev.
 2 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her
 3 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
 4 See 28 U.S.C. § 1915(b).

5 As explained above, Plaintiff's application to proceed *in forma pauperis* is
 6 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*
 7 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing
 8 fee or file a new fully complete application to proceed *in forma pauperis* with all three
 9 required documents.

10 **II. CONCLUSION**

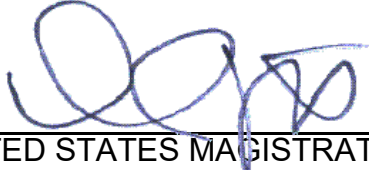
11 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
 12 is denied without prejudice.

13 It is further ordered that Plaintiff has **until July 17, 2023**, to either pay the full \$402
 14 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three
 15 required documents: (1) a completed application with the inmate's two signatures on page
 16 3, (2) a completed financial certificate that is signed both by the inmate and the prison or
 17 jail official, and (3) a copy of the inmate's trust fund account statement for the previous
 18 six-month period.

19 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
 20 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
 21 to refile the case with the Court, under a new case number, when Plaintiff can file a
 22 complete application to proceed *in forma pauperis* or pay the required filing fee.

23 The Clerk of the Court is directed to send Plaintiff the approved form application to
 24 proceed *in forma pauperis* for an inmate and instructions for the same and retain the
 25 complaint (ECF No. 1-1) but not file it at this time.

26 DATED this 18th day of May 2023.

27 
 28 UNITED STATES MAGISTRATE JUDGE